

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROBERT LYNN DEBORD, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00522

DEPUTY ANDREW GROVES and
DEPUTY CARR,

Defendants.

MEMORANDUM OPINION AND ORDER

On September 15, 2021, the Plaintiff, proceeding *pro se*, filed his *Complaint* (Document 2) in this matter. By *Administrative Order* (Document 3) entered on September 16, 2021, the matter was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

Subsequently, on August 25, 2022, *Defendant Andrew Groves' Motion for Summary Judgment* (Document 14) was filed.

On October 27, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 18) wherein it is recommended that this Court dismiss the Plaintiff's *Complaint* with prejudice, deny as moot Defendant Groves' motion for summary judgment, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by November 14, 2022.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **ORDERS** that the Plaintiff's *Complaint* (Document 2) be **DISMISSED with prejudice**, that *Defendant Andrew Groves' Motion for Summary Judgment* (Document 14) be **DENIED as moot**, and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: November 28, 2022



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA